

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Yue (nni) Kuo
Serial No.: 09 736,043
Filing Date: December 12, 2000
Group Art Unit: 2823
Examiner: William D. Coleman
Title: SEMICONDUCTOR CONDUCTIVE PATTERN
FORMATION METHOD

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Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

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Willie Jiles

LETTER

Applicant received a Final Office Action mailed September 27, 2002. In the Detailed Action section, heading *Information Disclosure Statement*, paragraph 1, Examiner Coleman indicates that the Information Disclosure Statement submitted on July 1, 2002 fails to comply with 37 C.F.R. 1.98a)(2) since legible copies of the references listed on PTO Form 1449 were not received. In a telephone call with the undersigned, Examiner Coleman acknowledged that Applicant likely did submit these references, but that the Patent Office could not locate them. Examiner Coleman indicated he would search further for these references, but requested Applicant send additional copies of the non-patent references if they could not be located. In a subsequent conversation, Examiner Coleman indicated he could not locate the references. Applicant confirms that the references were indeed previously sent to the PTO, but attach the requested additional copies to this letter for the convenience of the Examiner. Consideration of these references is respectfully requested.

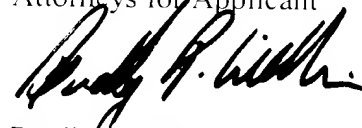
In the first telephone conference, Applicant's attorney and Examiner Coleman also discussed the finality of the Office Action. Examiner Coleman indicated the Office Action

was likely inappropriately designated as a "Final Office Action." Applicant believes that the finality of the Office Action is inappropriate under M.P.E.P. §706.07(a)¹ because the Examiner introduced a new ground of rejection that is not necessitated by a claim amendment by Applicant.² For example, Applicant's amendment of Claim 1 did not necessitate the new ground of rejection of this claim because the amendment essentially rewrote an already existing dependent claim in independent form. (Compare the original claim 6 to amended claim 1). Thus, the amendment did not necessitate a new ground of rejection and the finality of the Office Action dated September 27, 2002 is inappropriate.

Applicant respectfully requests that the Examiner issue a supplemental Office Action withdrawing the finality of the previous Office Action and indicating consideration of the references cited in the Information Disclosure Statement.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant



Bradley P. Williams
Reg. No. 40,227

Date: November 6, 2002

BAKER BOTTS L.L.P.
2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980
(214) 953-6447

¹ M.P.E.P. §706.07(a) states that "Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p)."

² In issuing the Final Office Action, the Examiner rejects the claims using U.S. Patent 5,350,484 issued to Allen et al ("*Allen*"), which is neither in the IDS previously submitted by Applicant nor previously cited by the Examiner as a basis of the rejections in the previous non-final Office Action.